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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/161,753 09/29/98 SUTHERLAND M 024607-0022

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QM12/0809

EXAMINER

MANTIS MERCADER, E

ART UNIT

PAPER NUMBER

3737

DATE MAILED:

6
08/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/161,753

Applicant(s)
Sutherland et al.

Examiner
Eleni Mantis Mercader

Group Art Unit
3737



☒ Responsive to communication(s) filed on Sep 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 6-7, 9, 11-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Inga et al.'643, of record.

Regarding claims 1-2, 4, 6-7, 9, 11-13, and 15, Inga et al.'643 teach a removable medium recording system for use in a medical imaging system that includes:

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a medical scanner that scans a patient and creates medical image data (col. 9, lines 67-69 and col. 10, lines 1-4);

a computer workstation coupled to the medical scanner, said computer workstation including a first storage device capable of storing data on a first nonremovable storage medium (col. 10, lines 4-6 referring to the computer H/D) and a second storage device capable of storing data on a removable storage medium of a first type (col. 10, lines 9-22; referring to compact disk 48), said first storage device operative to initially store medical image data received from said medical scanner (col. 10, lines 18-22);

said removable medium recording medium comprising:

a third storage device capable of storing data on a second nonremovable storage medium (col. 9, lines 5-6 and see Figures 2 and 3; referring to local data modem 42), said third storage device initially storing medical image data received from said computer workstation (storage and retrieval means 16; col. 9, line 6; see also Figures 2 and 3); and

a fourth storage device capable of storing data on a removable storage medium of a second type (col. 9, lines 6-7; referring to disk storage drive 46), said fourth storage device storing medical image data received from said computer workstation onto said removable storage medium of a second type, wherein said fourth storage device effectively replaces said second storage device in said computer workstation;

and wherein the computer workstation is a digital imaging and communications compliant (col. 9, lines 67-68 and col. 10, lines 1-6).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, 8, 10 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Inga et al.'643, of record.

In claims 3, 5, 8, 10 and 14, the second and fourth storage drive is a CD drive (col. 9, lines 6-7; referring to disk storage drive 46 and col. 10, lines 9-22; referring to compact disk 48), it is inherent that digital drives of any type can be used to record the digital data or in the alternative it would have been well within the knowledge of skilled artisans to have used alternate digital storage drives to store digital information depending on what other computers the data subsequently be used upon.

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5. Any inquiry concerning this communication should be directed to Eleni Mantis Mercader at telephone number (703) 308-0899. The examiner's supervisor, Mr. Marvin Lateef, can be reached on (703) 308-3256.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. The fax phone number for this Group is (703) 308-0758.



Marvin M. Lateef
Supervisory Patent Examiner
Group 3700

EMM
August 3, 2000.